REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The Notice of Non-Compliant Amendment dated mailed February 4, 2011, indicated that the Amendment filed September 15, 2010, included strikethrough and underlining inconsistent with the listing of claims filed April 26, 2010, due to an inadvertent error. Accordingly, the enclosed listing of claims includes strikethrough and underlining consistent with the listing of claims filed April 26, 2010, and in compliance with 37 C.F.R. § 1.121.

Claims 1-14 are pending, and Claims 1-3 and 6-14 are amended by the present amendment. The changes to Claims 1, 11, and 13 are supported by the originally filed disclosure at least at Figure 21 and the associated descriptions, and the changes to Claims 2, 3, 6-10, 12, and 14 are for clarity and consistency with amended Claims 1, 11, and 13. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-3 and 5-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin, et al. (U.S. Patent No. 7,389,273 B2, herein "Irwin") in view of Stefik (U.S. Patent No. 5,715,403), and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin in view of Stefik, further in view of Lin, et al. (U.S. Patent No. 6,275,693 B1, herein "Lin").

At the outset, Applicant and Applicant's representatives again thank Examiner Simon Kanaan for the courtesy of an interview with Applicant's representatives on September 9, 2010. The discussion during that interview is substantially reflected in the amendments and remarks herein.

Applicant respectfully traverses the rejections of the pending claims under 35 U.S.C. § 103(a).

Amended Claim 1 recites, *inter alia*:

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reproduction means for

checking whether said authentication result information indicates that said content data reproduction apparatus or said user thereof has been registered in response to a reproduction command for one of said plurality of content data items input via an input means, and,

when said authentication result information indicates that said content data reproduction apparatus or said user has not been registered, checking said attribute information of said one of said plurality of content data items and reproducing said one of said plurality of content data items when said attribute information of said one of said plurality of content data items indicates that external storage of said one of said plurality of content data items is allowed.

Irwin describes a client device (140) including a render application (144) that relies upon a DRM controller (146) to verify if a user's content rights are sufficient for rendering content, by comparing a local registry of license documents (148) with a unique identifier of the content.[1] Further, Irwin describes that a user may be authenticated to the client device (140) and that a new content license may be obtained, at step (340), based on acquired user credentials.[2]

However, as discussed during the interview, Irwin does not describe that the client device (140) *checks whether it (or its user) has been registered* in response to a reproduction command, and, *when not registered, checks attribute information of the content* and renders (i.e., reproduces) the content *when the attribute information indicates that external storage of the content is allowed.* Instead, Irwin describes rendering the content based on a comparison, by the DRM controller (146), between the local registry of license documents (148) and the unique identifier of the content, without checking for registration.[3] Specifically, Irwin is silent as to checking any authentication result in response to a command to render content

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[1] Irwin at column 10, lines 35-68, and at Figures 1 and 3.
[2] Irwin at column 10, lines 35-40 and lines 59-67.
[3] Irwin at column 10, lines 35-68, and at Figures 1 and 3.

data. Further, Irwin is silent as to checking any attribute information of the content data

when the client device (140) (or it's user) is not registered. Therefore, Irwin does not

describe, teach, or suggest a "reproduction means for checking whether said authentication

result information indicates that said content data reproduction apparatus or said user thereof

has been registered . . . , and, when said authentication result information indicates that said

content data reproduction apparatus or said user thereof has not been registered, checking

said attribute information of said one of said plurality of content data items," as recited by

amended Claim 1, and Stefik fails to cure these deficiencies.

Stefik describes a system for controlling the distribution and use of digital works

rendered by a rendering repository (203).[4] According to Stefik, a song may be copied

without a fee and playback (i.e., reproduction) of the song may be conditioned upon the

purchase of a "play right" for the song.[5] To purchase the "play right," Stefik describes a

login transaction with a credit server to check the authenticity of a user requesting a

transaction.[6] As part of the login transaction, Stefik describes and illustrates that repositories

communicate to determine if the repositories will exchange session keys to be used during

transaction period communications.[7]

However, as discussed during the interview, Stefik does not describe that the

rendering repository (203) checks whether it (or it's user) has been registered in response to a

reproduction command for playback of the song, and, when not registered, checks attribute

information of the song and plays the song when attribute information indicates that external

storage of the song is allowed. Instead, Stefik describes checking the authenticity of a user

when the user requests a transaction with the credit server, and Stefik is silent as to checking

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[4] Stefik at Abstract, at column 8, lines 10-15, and at Figure 2.
[5] Stefik at column 48, lines 40-55.
[6] Stefik at column 27, lines 30-45.
[7] Stefik at columns 27 and 28 and at Figures 17 and 18.

any attribute information when the user is not registered.[8] Therefore, <u>Irwin</u> does not describe, teach, or suggest a "reproduction means for checking whether said authentication result information indicates that said content data reproduction apparatus or said user thereof has been registered . . . , and, when said authentication result information indicates that said content data reproduction apparatus or said user thereof has not been registered, checking said attribute information of said one of said plurality of content data items," as recited by amended Claim 1.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1, and Claims 2, 3, and 5-7, which depend therefrom, be withdrawn.

Claims 11 and 13, although differing in scope and/or statutory class from Claim 1, patentably define over <u>Irwin</u> and <u>Stefik</u> for reasons similar to those discussed above with regard to Claim 1. Thus, Applicant respectfully requests that the rejection of Claims 11 and 13, under 35 U.S.C. § 103(a), be withdrawn.

Claim 4 depends from Claim 1, and, therefore, patentably defines over the combination of <u>Irwin</u> and <u>Stefik</u> for at least the same reasons as Claim 1. Further, <u>Lin</u>, which was additionally asserted against Claim 4, fails to cure the above-discussed deficiencies of <u>Irwin</u> and <u>Stefik</u> with regard to Claim 1 and is not asserted for the features of Claim 1 that are discussed above as deficient in the combination of <u>Irwin</u> and <u>Stefik</u>. Thus, Applicant respectfully requests that the rejection of Claim 4, under 35 U.S.C. § 103(a), be withdrawn.

Amended Claim 8 recites, *inter alia*:

> transmission means for transmitting authentication result information to said content data reproduction apparatus indicating that said content data reproduction apparatus or said user thereof has been registered and that said plurality of content data items stored in said content data reproduction apparatus are reproducible, or that said content data reproduction apparatus or said user thereof has not been registered

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[8] <u>Stefik</u> at column 27, lines 30-45.

and that said plurality of content data items stored in said content data reproduction apparatus are not reproducible, based on the determination result.

At page 9, the outstanding Office Action concedes that Irwin fails to describe the "transmission means," as recited by Claim 8, and asserts Stefik as teaching the features.

However, Stefik does not cure the conceded deficiencies of Irwin with respect to amended Claim 8.

As discussed during the interview, Stefik does not describe that the first and second repositories transmit authentication result information indicating that a plurality of content data items are reproducible or that the plurality of content data items are not reproducible. In fact, the session keys communicated between the repositories of Stefik do not indicate that any content data items stored by the rendering repository (203) are reproducible or not. Instead, the session keys of Stefik are related to providing secure communication between the repositories and do not relate to a reproducible state of any content data items, at all. Therefore, Stefik does not describe, teach, or suggest a "transmission means for transmitting authentication result information to said content data reproduction apparatus," as defined by amended Claim 8.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 8, and Claims 9 and 10, which depend therefrom, be withdrawn.

Claims 12 and 14, although differing in scope and/or statutory class from Claim 8, patentably define over Irwin and Stefik for reasons similar to those discussed above with regard to Claim 8, and Applicant respectfully requests that the rejection of Claims 12 and 14, under 35 U.S.C. § 103(a), be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are

believed to be in condition for formal allowance. An early and favorable action to that effect
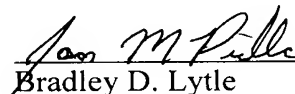
is, therefore, respectfully requested.

Respectfully submitted,

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